



PUBLIC NOTICE

Federal Communications Commission
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DA 02-1561
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DOMESTIC SECTION 214 APPLICATION FILED FOR CONSENT TO TRANSFER RESALE CUSTOMERS FROM ADELPHIA BUSINESS SOLUTIONS TO BELL SOUTH

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 02-181

On May 28, 2002, Adelphia Business Solutions (Adelphia) filed an application for authorization to transfer control of certain of its resale customer base (approximately 10,000 lines) existing in the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee within BellSouth service areas to BellSouth.¹ On June 13, 2002, Adelphia filed a letter² requesting that its pending application be treated under the new requirements and procedures adopted in the *Streamlining Order*.³

Adelphia states that it is a debtor-in-possession subject to Chapter 11 bankruptcy proceedings, and that the proposed transaction is a part of its reorganization initiatives.⁴ Adelphia's application is not subject to streamlined processing, but Adelphia requests expedited treatment of its application and states that expedited treatment is necessary so that Adelphia and BellSouth may consummate the proposed transaction in a timely manner without disruption or inconvenience to customers and without placing an onerous financial burden on Adelphia.⁵

¹ See Application for 214 Authorization for Transfer of Control of Certain Resale Customer Base from Adelphia Business Solutions to BellSouth Telecommunications, Inc., WC Docket No. 02-181 (filed May 28, 2002).

² Letter from Catherine Wang, Counsel for Adelphia Business Solutions, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 02-181 (June 13, 2002) (June 13 Letter).

³ *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, 17 FCC Rcd 5517 (2002) (*Streamlining Order*); see Wireline Competition Bureau Announces Effective Date for New Domestic Section 214 Transfer of Control Procedures, *Public Notice*, DA No. 02-1353 (rel. June 7, 2002) (announcing June 14, 2002 as effective date of new rules).

⁴ See June 13 Letter at 1.

⁵ See *id.* at 2.

Adelphia states that it has its own switches to provide facilities-based services and has installed approximately 30,000 miles of fiber throughout the United States. In addition to provisioning service to its customers through its own facilities, Adelphia also provides service to some customers by reselling the telecommunications services of the incumbent local exchange carrier (LEC) in the particular service territory ("Total Services Resale"). Adelphia has made a decision that it will no longer provision service to customers via Total Services Resale, except under limited circumstances. As there are a number of customers that are not located in rate centers in which Adelphia is able to service on its own facilities, Adelphia is engaged in transitioning its Total Services Resale customer base to other providers.

On May 16, 2002, Adelphia executed a Service Transition Agreement in which it has agreed to sell, and BellSouth has agreed to purchase and continue to provide voice and data telephone service to, customer accounts that are receiving local service provisioned by Total Service Resale from BellSouth and are located in a BellSouth territory. Approximately 10,000 lines will be transferred under the transaction, which Adelphia states is being conducted in full compliance with section 64.1120(e) of the Commission's rules concerning customer notification of such proposed transfers.

Adelphia states that the proposed transaction is in the public interest because it provides for the orderly and seamless transfer of voice telephone and data services for the affected customers to BellSouth, and that those customers will not run the risk of having their service interrupted. Adelphia states further that the transfer of these lines will provide Adelphia an opportunity to focus on its facilities-based customers and implement its revised business plan, enabling it to emerge successfully from Chapter 11.

GENERAL INFORMATION

The transfer of control application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file comments on or before **July 16, 2002**. Final action will not be taken on the application earlier than 15 days following the date of this Public Notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by

Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (3) Bill Dever, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C266, Washington, D.C. 20554; e-mail: wdever@fcc.gov; and
- (4) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy, Wireline Competition Bureau at (202) 418-1578.